

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
EDWARD A. GIVEN,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-11663-NMG
)	
ROBERT MURPHY,)	
)	
Respondent.)	
_____)	

**Respondent Robert Murphy's Assented-to Motion
for Extension of Time to File Memorandum
in Opposition to Petition for Writ of Habeas Corpus**

Respondent Robert Murphy hereby respectfully moves the Court for a two-week extension—until August 20, 2007—to file a memorandum opposing the merits of Petitioner Edward A. Given's petition for a writ of habeas corpus. In support of this motion, Respondent states as follows:

1. Counsel for Respondent is working diligently to complete Respondent's memorandum in opposition, but requires additional time to do so, as counsel for Respondent is currently handling a significant caseload of criminal, civil, and postconviction matters on behalf of the Commonwealth of Massachusetts and other parties. Most recently, this has included, among other things:

- a. on July 6, 2007, filing an appellate brief in a state-court criminal case, *Commonwealth v. Salvatore Russo*, Massachusetts Appeals Court No. 06-P-1949;
- b. on July 6, 2007, arguing the merits of a federal habeas petition, *Richard Mahar v. Gary Roden*, U.S.D.C. Civ. No. 01-10354-GAO;

- c. on July 10, 2007, filing a response to the Court's order regarding the timeliness of a federal habeas petition, *Scott Tevlin v. Luis Spencer*, U.S.D.C. Civ. No. 06-10830-MLW;
- d. on July 11, 2007, filing a memorandum in opposition to an application for a preliminary injunction in a putative class action challenging the constitutionality of a new Massachusetts statute, Mass. Gen. Laws c. 127, § 133D½, *John Doe, et. al. v. Maureen Walsh, et al.*, Suffolk Superior Court No. SUCV2007-02052
- e. on July 12, 2007, arguing the merits of the plaintiffs' application for a preliminary injunction, *John Doe, et. al. v. Maureen Walsh, et al.*, Suffolk Superior Court No. SUCV2007-02052;
- f. on July 24, 2007, filing an opposition to a motion for relief from judgment in a federal habeas case, *Lloyd Matthews v. John Marshall*, U.S.D.C. Civ. No. 90-12111-MLW;
- g. on July 27, 2007, filing a motion to dismiss a federal habeas petition, *Gerald Craffey v. Gary Roden*, U.S.D.C. No. 07-11257-GAO; and
- h. on July 30, 2007, filing a memorandum opposing the merits of a federal habeas petition, *William Pimental v. Luis Spencer*, 07-10122-RWZ.

3. Respondent's memorandum is currently due August 6, 2007.

4. Allowance of this motion will enable counsel for Respondent to aid the Court most thoroughly and effectively and will not prejudice any party.

5. Michael A. Nam-Krane, counsel for Given, assents to this motion.

WHEREFORE, Respondent Robert Murphy respectfully requests that the Court allow this motion, and extend until August 20, 2007 the date by which he may file a memorandum opposing the merits of Petitioner Edward A. Given's petition for a writ of habeas corpus.

Respectfully submitted,

ROBERT MURPHY,

By his attorney,

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Scott A. Katz
Scott A. Katz (BBO # 655681)
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2833

Dated: August 6, 2007

Local Rule 7.1(A)(2) Certification

I hereby certify that I have conferred in good faith with Michael A. Nam-Krane, counsel for Petitioner Edward A. Given in this matter, and he assents to this motion.

/s/ Scott A. Katz
Scott A. Katz

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, including Michael A. Nam-Krane, counsel for Petitioner Edward A. Given in this matter.

/s/ Scott A. Katz
Scott A. Katz